



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

MAY 12 2015

Mr. Peter H. Asp
W1341 County Road B
Sullivan, WI 53178

Dear Mr. Asp:

This is in response to your letter of August 4, 2014, requesting a legal interpretation of 14 Code of Federal Regulations § 61.129(h)(4), as it pertains to counting training time towards a commercial pilot certificate with a balloon rating.

Section 61.129(h) specifies the aeronautical experience required for a commercial pilot certificate with a balloon rating. While this provision does not specify the timeframe that training toward a commercial pilot certificate may begin to be logged, § 61.123 - Eligibility requirements: General, stipulates the number of tests, training time and endorsements required for a commercial pilot certificate, including the requirement to hold at least a private pilot certificate.

Once a pilot has obtained a private pilot certificate, he or she may begin to log training time towards a commercial pilot certificate. Despite the fact that the training time logged while training to obtain a private pilot certificate may meet part of the aeronautical experience requirements of § 61.129, an applicant for a commercial pilot certificate must satisfy the aeronautical experience requirements of § 61.129 while training for that certificate, not while training for a different certificate. Even though a pilot may have been performing tasks that are required under § 61.129 while preparing for his or her private pilot certificate, the pilot must be trained and evaluated at the commercial pilot level when training for the commercial pilot certificate. See Legal Interpretation to Richard Theriault, October 8, 2010.

You also asked if a person can take a knowledge test for a commercial pilot certificate before earning his private pilot certificate. Any person may take the commercial knowledge test at any time, but the test results are only valid for 24 months, in accordance with § 61.39(a)(1).

In your letter, you pointed out a contradiction between the language in § 61.129(h)(4) and the language of § 61.129(h)(4)(ii)(B). Section 61.129(h)(4) requires, "10 hours of flight training that includes at least 10 training flights with an authorized instructor in balloons...on the areas of operation listed in part 61.127(b)(8) of this part." In § 61.129(h)(4)(ii)(B), a person applying for a commercial pilot certificate with a lighter-than-air category and a balloon class rating must log, "Two solo flights in a balloon with an airborne heater on the appropriate areas of operation." You are correct that these two paragraphs appear to be contradictory. However, the intent of the regulation is that the two solo flights can be part of the 10 hours of flight training, but not the 10 flights conducted

with an authorized instructor. We have forwarded this issue to the General Aviation and Commercial Division of the Flight Standards Service (AFS-800) for consideration of action to clarify this regulation.

I hope that this response has been helpful to you. If you have additional questions or require more information, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an Attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorelei Peter", with a stylized, cursive script.

Lorelei Peter
Deputy Assistant Chief Counsel, Regulations Division